

REMARKS**A. Status of the Claims**

Prior to the submission of this paper, claims 1-191 were pending, with claims 67-74 under examination and claims 1-66 and 75-191 withdrawn from consideration. In this paper, Applicants have cancelled claims 1-66 and 75-191 without prejudice or disclaimer.

Claims 67-74 currently stand rejected under 35 U.S.C. §102(b) for allegedly being anticipated by U.S. Patent No. 5,744,166 to Illum ("Illum").

Claims 67-69 and 73-74 are provisionally rejected on the ground of non-statutory obviousness type double patenting for allegedly being unpatentable over claims 51-55, 64-73, 77-118, 146, and 149-150 of U.S. Patent Application No. 10/591,732.

Claims 67-69 and 73-74 are provisionally rejected on the ground of non-statutory obviousness type double patenting for allegedly being unpatentable over claims 78-80, 84, and 90-94 of U.S. Patent Application No. 10/591,485.

Claims 67-69 and 73-74 are provisionally rejected on the ground of non-statutory obviousness type double patenting for allegedly being unpatentable over claims 1-20 of U.S. Patent Application No. 12/647,677.

Claims 67-74 are provisionally rejected on the ground of non-statutory obviousness type double patenting for allegedly being unpatentable over claims 37-44 of U.S. Patent Application No. 11/816,666.

Claims 67-69 and 73-74 are provisionally rejected on the ground of non-statutory obviousness type double patenting for allegedly being unpatentable over claims 9 and 11 of U.S. Patent Application No. 11/816,602.

B. Sequence Listing

With this paper, Applicants have submitted a sequence listing in accordance with 37 C.F.R. 1.821. Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection to the specification.

C. Claim Objections

Applicants respectfully request reconsideration and withdrawal of the claim objections in view of the amendments presented herein.

D. Amendments to the Claims and Specification

Applicants have amended claim 67 to specify the structure of the presently claimed carrier. Support for these amendments is found, for example, in ¶¶ [0068], [0069], Examples 7 and 8, and Figures 1 and 2. Additionally, Applicants have made minor amendments to claims 68-74 in order to improve their readability and format and to address certain objections raised by the Examiner. .

Applicants have amended the specification to insert the designation “SEQ ID NO.” where appropriate. In addition, Applicants have deleted a sentence fragment in ¶ [0074] to correct a drafting error.

No new matter has been added by these amendments.

E. Applicants’ Claims Are Novel Over Illum

Applicants respectfully traverse the rejection of claims 67-74 under 35 U.S.C. §102(b) for allegedly being anticipated by Illum. Illum does not disclose all of the features recited in

Applicants' presently pending claims. For example, Illum fails to disclose the "carrier" recited in independent claim 67, which comprises "a polypeptide having positively charged branching groups selected from the group consisting of $-(\text{gly})_m-(\text{arg})_{n2}$, $(\text{gly})_p\text{-RGRD}\text{DRRQRRR}-(\text{gly})_q$ (SEQ ID NO. 2), $(\text{gly})_p\text{-YGRKKRRQRRR}-(\text{gly})_q$ (SEQ ID NO. 3), $(\text{gly})_p\text{-RKKRRQRRR}-(\text{gly})_q$ (SEQ ID NO. 4), and Antennapedia protein transduction domain (PTD)."

Because Illum does not disclose all of the claimed features of Applicants' invention, the rejection under 35 U.S.C. §102(b) should be withdrawn.

F. Double Patent Rejections

Applicants respectfully request that the provisional obviousness-type double-patenting rejections set forth in the Office Action be held in abeyance, as the co-pending applications relied upon by the Office Action for the double-patenting rejections have not yet issued. Applicants reserve the right to address these double patent rejections at a later date, by filing a terminal disclaimer or by submitting arguments that the co-pending claims do not constitute double patenting.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of all objections to and rejections of claims, and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-3732, Order No. 13720-105068US2.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-3732, Order No. 13720-105068US2.

Respectfully submitted,
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